

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GERALD PHILLIP WOOTEN, #31729-077 §
 §
VS. § CIVIL ACTION NO. 4:18cv281
 § CRIMINAL ACTION NO. 4:98cr64(6)
UNITED STATES OF AMERICA §

ORDER OF DISMISSAL

This civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Movant filed objections. The court has conducted a *de novo* review of the objections raised by Movant to the Report, and concludes that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court.

It is therefore **ORDERED** the motion to vacate, set aside, or correct sentence is **DISMISSED** without prejudice to Movant's right to file a motion for leave to file a second or successive § 2255 motion in the United States Court of Appeals for the Fifth Circuit.

It is further **ORDERED** all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 11th day of February, 2019.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE